

[51 & 52 VICT.] *West Ham Corporation (Improvements) Act, 1888.* [Ch. clxxix.]



CHAPTER clxxix.

An Act to authorise the Corporation of the Borough of West Ham to construct certain Improvements and other works and to make provision for the transfer to such Corporation of the jurisdiction within the said borough of the Commissioners of Sewers for Havering Dagenham and other levels and for the good government of the borough to enable the said Corporation to borrow money and for other purposes. [7th August 1888.] A.D. 1888.

WHEREAS the borough of West Ham in the county of Essex (hereinafter referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (hereinafter referred to as "the Corporation") and the Corporation acting by the council of the borough are the urban sanitary authority for the district of the borough :

And whereas with a view to the improvement of means of communication within the borough it is expedient that the Corporation be authorised to construct the street improvements and other works hereinafter described :

And whereas it is expedient that the Corporation be authorised to acquire and appropriate lands for the purposes aforesaid and for sewage works :

And whereas the Commissioners of Sewers for the levels of Havering Dagenham Ripple Barking East Ham West Ham Leyton Walthamstow Bromley and East Marsh in the respective counties of Essex Middlesex and Kent are a public body acting under a commission issued in pursuance of the powers of an Act passed in the twenty-third year of the reign of King Henry the Eighth and of several other Acts relating to Commissioners of Sewers which have been subsequently passed namely the third and fourth of Edward the Sixth chapter 8 the thirteenth of Elizabeth chapter 9 the third and fourth of William the Fourth chapter 22 the fourth

A.D. 1888. and fifth of Victoria chapter 45 and the twelfth and thirteenth of Victoria chapter 50 :

And whereas the jurisdiction of the said Commissioners under the said Acts extended and still extends over a part of the parish of West Ham :

And whereas the whole of the said parish is included within the borough :

And whereas by an Act passed in the 17th and 18th years of the reign of Her present Majesty chapter lxxxix. (hereinafter called "the Act of 1854") the powers of the said Commissioners were extended so as to include for the purposes of that Act videlicet the construction of sewers for the carrying away of filth and drainage matter from houses and manufactories within the said parish the whole of the parish of West Ham :

And whereas the objects of the Act of 1854 were not effected by the Commissioners of Sewers but similar objects have since the passing of the said Act been effected by the Local Board of Health for the district of West Ham being the predecessors of the Corporation as the urban sanitary authority for that district :

And whereas it is expedient that the Act of 1854 should be repealed and that the parish of West Ham and any portion of the West Ham level which is not included in that parish should be exempted from the jurisdiction of the said Commissioners and that their powers therein should be transferred to the Corporation :

And whereas in exercise of the powers conferred upon them for the purpose of dealing with the drainage of the Metropolis the Metropolitan Board of Works have constructed an outfall sewer called the Northern Outfall Sewer on an embankment across the said parish of West Ham :

And whereas the surface of the said embankment is capable of being used as a public footway and it would be for the benefit of the inhabitants of the borough and is expedient that the same should to the extent and subject to the conditions hereinafter specified be made available for that purpose and that the powers hereinafter contained in that behalf should be conferred upon the Corporation :

And whereas it is expedient that the powers of the Corporation with respect to the prevention of the spread of infectious diseases and to sanitary matters be amended and extended and that further and better provision be made for the good government of the borough :

And whereas for the purposes aforesaid it is expedient that the Corporation should be authorised to borrow and expend moneys :

And whereas by the Great Eastern Railway Act 1882 as amended by the Great Eastern Railway (General Powers) Act 1883 provision was made for the diversion of a portion of the Manor Road in the parish of West Ham and it was enacted that if the Local Board of Health for the district of West Ham so desired such diversion should be made of the width of 40 feet instead of 30 feet and that the extra cost thereby occasioned should be paid by the said Local Board but no provision was made for the raising by that Local Board of the necessary funds for defraying such cost and it is expedient that the Corporation should be authorised to borrow money for that purpose : A.D. 1888.

And whereas the objects of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for the purchase of land and the execution of the various works by this Act authorised and for the extra cost of widening the aforesaid diversion of the Manor Road (hereinafter referred to as "the Manor Road diversion") and such estimates are as follows :

	£
For street improvements - - -	190,000
For the widening of the Manor Road diversion -	10,000
For the foot-bridge and footpaths - - -	10,000
For land for sewage purposes - - -	4,000

And whereas the said works are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the thirteenth day of December one thousand eight hundred and eighty-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Stratford Express" a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the "Stratford Express" a newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January one thousand

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A.D. 1888. — eight hundred and eighty-eight being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and the portion of the northern outfall sewer of the Metropolitan Board of Works over which powers are sought by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes of or over which powers are sought by this Act and describing those lands have been deposited with the clerk of the peace for the county of Essex and are in this Act referred to respectively as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited for all purposes as the *West Ham Corporation (Improvements) Act 1888.*

Act divided into parts. 2. This Act is divided into parts as follows (that is to say) :—
Part I.—Preliminary.
Part II.—Works and Lands.
Part III.—Transfer of Jurisdiction of Commissioners of Sewers.
Part IV.—As to Northern Outfall Sewer.
Part V.—Collectors of Poor Rates.
Part VI.—Wires &c. in Streets and Dangerous Structures.
Part VII.—Sanitary.
Part VIII.—Financial.
Part IX.—Miscellaneous.

Limits of Act. 3. This Act except where otherwise expressly provided shall apply exclusively to the borough.

4. The following Acts or parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act (that is to say):—

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Incorporation of Acts.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act referred to as "the Lands Clauses Acts").

5. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to the construction (that is to say):—

Interpretation of terms.

"The borough" means the municipal borough of West Ham.

"The Corporation" means the mayor aldermen and burgesses of the borough.

"The council" means the town council of the borough.

"The town clerk" "the treasurer" "the medical officer of health" "the borough engineer" mean respectively the town clerk the treasurer the medical officer of health and the engineer of the borough.

"District fund" and "general district rate" mean respectively the district fund and general district rate of the urban sanitary district of the borough.

"Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious.

"Registered medical practitioner" means any person for the time being registered under the Medical Act 1858 or any Acts amending the same.

"The Commissioners of Sewers" means the Commissioners of Sewers for the levels of Havering Dagenham Ripple Barking East Ham West Ham Leyton Walthamstow Bromley and East Marsh in the respective counties of Essex Middlesex and Kent.

"Outfall sewer" means the lands shown on the deposited plans within the borough of West Ham in through or under which the northern main outfall sewer of the Metropolitan Board of Works is situate or passes.

"Street" has the same meaning as in the Public Health Act 1875.

"Daily penalty" means (except where otherwise expressed or implied) a penalty to accrue for each day on which the offence is continued after conviction thereof.

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“Structure” as used in this Act includes any building wall bridge fence balcony hoarding scaffold platform stack of bricks or timber pier pillar post door gate or other such erection construction or thing.

Terms to which meanings are assigned by the Acts recited in the preamble of this Act or by any Act wholly or partially incorporated with this Act have the same respective meanings unless varied by this section or unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in any Act incorporated with this Act the expression “court of competent jurisdiction” or other like expression shall have effect as if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Act to be executed by council.

6. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

PART II.

WORKS AND LANDS.

Power to make works.

7. Subject to the provisions of this Act the Corporation may in the lines and situations and according to the levels shown on the deposited plans and sections respectively relating thereto make and maintain the street improvements and bridge and may in the lines shown on the deposited plans make and maintain the footpaths described in this section and may enter upon take and use all or any part of the lands shown on the deposited plans and described in the deposited book of reference in connection with those works respectively which they may require for the purposes of such works or in the case of the street improvements for providing space for the erection of buildings adjoining and near to the same The works above referred to and authorised by this Act are :

I.—STREET IMPROVEMENTS.

(A) A widening of High Street Stratford on the south side thereof to commence at the junction of Chant Street with the said High Street Stratford and to extend thence in a south-westerly direction to and to terminate at the east side of Bridge Road at its junction with the said High Street Stratford.

(B) A widening of West Ham Lane on the west side thereof to commence at the south-easternmost corner of the recently-erected West Ham Police Court in that lane and to extend thence in a southerly direction for a distance of fifty yards or thereabouts. A.D. 1888.

(c) The widening of Balaam Street Plaistow.

1. On the east side thereof to commence at the southern side of the house in the said street known as No. 18 and to extend thence in a northerly direction for a distance of one hundred and fifteen yards or thereabouts.

2. On the east side thereof to commence at the south-western side of the house in the said street known as No. 66 and to extend thence in a north-easterly direction for a distance of fifty-six yards or thereabouts.

3. On the east side thereof to commence at the south side of the northern outfall sewer embankment of the Metropolitan Board of Works and to extend thence in a northerly direction to and to terminate at the southern side of Dongola Road at its junction with Balaam Street.

4. On the west side thereof to commence at the south side of the aforesaid embankment and to extend thence in a northerly direction for a distance of twenty yards or thereabouts.

5. On the east side thereof to commence at a point five yards or thereabouts north of the north side of Dongola Road at its junction with Balaam Street and to extend thence in a northerly direction to and to terminate at the south side of Fenton's Avenue at its junction with Balaam Street.

6. On the east side thereof to commence at a point four yards or thereabouts north of the north side of Fenton's Avenue at its junction with Balaam Street and to extend thence in a northerly direction for a distance of seven yards or thereabouts.

(D) The widening of the Barking Road.

1. On the south-east side thereof to commence at the eastern end of the iron bridge carrying or continuing that road over the River Lea into the parish of Bromley St. Leonard in the county of Middlesex and to extend thence in an easterly and northerly direction for a distance of seventy yards or thereabouts.

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2. On the north-west side thereof to commence at the eastern end of the said iron bridge and to extend thence in a north-easterly direction for a distance of thirty-three yards or thereabouts but notwithstanding anything in this Part of this Act or shown on the deposited plans the Corporation shall not in the construction of the said widening interfere with the structure of the said iron bridge.

II.—FOOT-BRIDGE, &c.

An opening foot-bridge over the entrance from the River Thames into the tidal basin of the Victoria Dock of the London and Saint Katharine Docks Company commencing at a point thirty-one yards or thereabouts east of the northern end of the existing swing-bridge over the said entrance and terminating at a point twenty-five yards or thereabouts east of the southern end of the said swing-bridge together with a footpath from the North Woolwich Road commencing at the northern end of the said swing-bridge and terminating at the foot-bridge by this Act authorised and a footpath from the said North Woolwich Road commencing at a point eighteen yards or thereabouts south of the southern end of the said swing-bridge and terminating at the foot-bridge by this Act authorised.

As to
widening of
Balaam
Street over
Metropolitan
main outfall
sewer.

8. With reference to the widening of Balaam Street Plaistow as by this Act authorised across the northern main outfall sewer of the Metropolitan Board of Works (hereinafter called "the Metropolitan Board") the following provisions shall have effect:—

- (1) Before commencing any part of the said works which will cross over or affect the said sewer the Corporation shall submit to the Metropolitan Board detailed plans sections and specifications with all necessary particulars of the intended work crossing over or affecting the said sewer and the same shall not be commenced until such plans sections and specifications have been approved by the Metropolitan Board but such approval shall not be unreasonably withheld.
- (2) If at the time of approving the said plans sections and specifications the Metropolitan Board shall give notice in writing to the Corporation of their election to construct the said works so far as they will cross over or affect the said sewer the Metropolitan Board shall be at liberty to construct the said works accordingly and they may make such alteration strengthening and improvement of the said

sewer where it will be crossed by the said street as widened as they may think expedient in order to enable the widened street to be carried over the same without risk of injury or detriment thereto and all the reasonable costs and expenses of and incidental to such work including any expenses of and incidental to the examination and approval of such plans sections and specifications shall be repaid by the Corporation to the Metropolitan Board on demand and any difference as to the amount of any such costs and expenses shall be referred to and determined by arbitration.

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- (3) It shall not be lawful for the Corporation under the powers by this Part of this Act conferred upon them to purchase or acquire or in any way to interfere with any part of the said sewer or the property of the Metropolitan Board But when the same has been altered and strengthened as by this section provided they may from time to time maintain and repair the said widened street over the same.

9. In making any of the works by this Act authorised the Corporation may deviate to any extent not exceeding in the case of any street improvement one foot and in the case of the foot-bridge three feet from the levels thereof defined on the deposited sections and may deviate laterally from the lines thereof to any extent within the limits of deviation defined on the deposited plans provided that the Corporation shall not exercise the powers of lateral deviation by this section conferred upon them so as to increase the width of any street or road which they are by this Act authorised to widen beyond the line of widening in each instance shown on the deposited plans.

Power to deviate from levels &c.

10. When and so soon as the Corporation shall have acquired all the properties the owners or occupiers whereof have rights of way over the following courts passages and places respectively then the Corporation may permanently stop up and discontinue for public or other traffic Dean's Court Wood's Yard Breeze's Yard William's Yard Knight's Court the Avenue and Barber's Alley respectively and all rights of way over and all liability to repair such courts passages and places so stopped up shall thereupon be absolutely extinguished and the site and soil thereof shall vest in the Corporation freed and discharged from such rights and liability.

Power to stop up streets.

11. The Corporation during the making and for the purpose of any street improvement by this Act authorised may in or upon the lands shown upon the deposited plans in connection therewith

Power to stop up ways during execution of works.

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stop up or cause to be temporarily stopped up all or any part of the carriageways or footways of any street or road which they shall think necessary to be so stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and may from time to time make such orders for regulating the passage of persons horses carts and carriages as to them shall seem proper provided that reasonable access to houses still in occupation shall be preserved.

Power to make subsidiary works in connection with street improvements.

12. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connection with any street improvement and as part and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or contiguous to such street improvement and may make alterations of any existing streets for the purpose of connecting the same with the said improvement but full compensation shall be made to the owners and occupiers (if any) whose property may be injuriously affected by any alteration of the level of any existing street under the powers of this section.

As to alteration of position of pipes &c.

13. The Corporation may for any purpose in connection with the street improvements by this Act authorised upon any lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plans raise sink or otherwise alter the position of any sewer drain channel water pipe or gas pipe belonging to or connected with any house or building adjoining or near to such street improvements and also any main or other pipe laid down or used by any company for carrying a supply of water or gas or any pipe tube wire or other apparatus laid down or used for telephonic purposes and any pipe tube wire or apparatus laid down or used for telegraphic or electric lighting purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making full compensation for all damage caused by the exercise of the powers of this enactment Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 and nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply or shall authorise the Corporation to break

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up raise sink or otherwise alter the position of the northern outfall sewer of the Metropolitan Board. A.D. 1888.

14. Whereas divers mains pipes services and other works belonging to and now in use by the East London Waterworks Company (in this section called "the Water Company") for the purpose of their supply will or may in the execution of the works by this Part of this Act authorised be intersected or otherwise interfered with and divers other mains pipes services and works belonging to and now in use as aforesaid by the Water Company will or may be destroyed or rendered useless by the street improvements widenings and other incidental works by this Part of this Act authorised (in this section referred to as "street works") the acquisition and appropriation by the Corporation of the lands houses and buildings which they are by this Part of this Act authorised to enter upon take and use or by the stopping up of the courts passages and places which the Corporation are by this Part of this Act authorised to permanently stop up and discontinue for public or other traffic Therefore the following provisions shall have effect:—

For the protection of the East London Waterworks Company.

- (A) Before commencing any street works which may interfere with or affect any mains pipes services or other works of the Water Company the Corporation shall if such works involve the interference with any street road or bridge in along or under which any mains pipes services or other works of the Water Company may be placed and whether they contemplate altering the position of any such mains pipes services or other works or not give to the Water Company fourteen days' notice of their intention to commence such works and shall at the same time deliver a plan and section of the proposed works If it should appear to the Water Company that such works would endanger any of their mains pipes services or works or interfere with or impede the supply of water the Water Company may give notice to the Corporation to lower or otherwise alter the position of such mains pipes services or works or to substitute temporarily or otherwise other mains pipes services or works in such manner as may be considered necessary and any difference as to the necessity of such lowering alteration or substitution shall be settled by arbitration as hereinafter provided and all such works shall be done and executed by and at the expense of the Corporation but to the satisfaction and under the direction of the engineer of the Water Company.
- (B) The Corporation shall bear the reasonable expenses of and incident to the superintendence and watching by the Water Company or their engineer or officers of all or any of the works

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for the alteration as aforesaid of any main pipe service or work of the water company.

- (c) If any interruption whatsoever in the supply of water by the Water Company to any houses other than those authorised to be acquired under the powers of this Part of this Act shall be in any way occasioned by the Corporation or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation shall forfeit and pay to the Water Company for the use and benefit of the Water Company the sum of twenty pounds for every hour during which such interruption shall continue such sum to be recovered by the Water Company in any court of competent jurisdiction.
- (d) If and when the Corporation under the powers of this Act acquire and appropriate any lands houses and buildings which are served with water by the mains pipes services or works of the Water Company laid down and maintained by them in any road street highway or place or stop up any such road street highway or place so that the same mains pipes services and works or any of them or any part thereof respectively become useless for supplying water the Corporation shall pay to the Water Company the value of such mains pipes services and works and the same shall thereupon become the property of the Corporation and the Corporation shall also pay to the Water Company their reasonable charges for removing any of their mains pipes services and works in immediate communication therewith and which the works of the Corporation shall render useless.
- (e) If any difference shall arise between the Corporation or their engineer and the Water Company or their engineer on any question matter or thing under the provisions of this section such difference shall be referred to and determined by an engineer to be agreed upon by the engineer of the Corporation and the engineer of the Water Company or failing agreement shall be referred to and determined by an engineer to be appointed on the application of the Corporation or the Water Company or the engineer of either of them by the president for the time being of the Institution of Civil Engineers and the costs and expenses of the reference shall be borne and paid as the engineer agreed upon or appointed as aforesaid shall direct.
- (f) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the Water Company.

15. The Corporation may in connection with and for the purposes of the foot-bridge by this Act authorised upon the lands within the limits of deviation shown on the deposited plans from time to time make and maintain all such piers abutments walls stairs stages fences approaches and other works machinery apparatus and conveniences as may be necessary and proper for the construction maintenance repair and user of such foot-bridge.

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Works
incidental to
foot-bridge.

16. For the protection of the London and St. Katharine Docks Company (in this section referred to as "the Company") the Corporation shall if they proceed with the construction of the foot-bridge by this Act authorised conform to and be bound by the following provisions (that is to say) :—

For the
protection
of the
London and
St. Katha-
rine Docks
Company.

- (1) Notwithstanding anything contained in this Part of this Act or shown upon the deposited plans and sections the foot-bridge by this Act authorised and the approaches works and conveniences connected therewith shall (unless otherwise agreed between the Corporation and the Company) be constructed on the site and according to the levels and in the manner shown upon the plan and section signed in duplicate by Lewis Angell on behalf of the Corporation and by Robert Carr on behalf of the Company.
- (2) The existing gates and fences of the Company shall be put back and the existing buildings of the Company be removed and reconstructed as shown upon the said plan so as to leave open the approach to the foot-bridge on either side.
- (3) The said foot-bridge and all works connected therewith shall be constructed and completed by the Corporation with reasonable expedition to the satisfaction of the Company.
- (4) The land belonging to the Company adjacent to and also the land belonging to them and now included within the Company's gates and fences including the sites of such gates and fences shall notwithstanding the removal of the gates and fences remain and be the property of the Company but the Corporation shall be entitled to purchase and acquire and the Company shall sell and grant an easement or right of using the said land in perpetuity for the purpose of constructing the foot-bridge and footpaths and obtaining access thereto and for the free passage for the public to from and over the foot-bridge but for no other purpose whatsoever and for the purposes of the Lands Clauses Acts such easement or right shall be deemed to be lands within the meaning of the said Acts.
- (5) If during the construction of the foot-bridge the entrance to the said tidal basin shall be obstructed or interrupted or

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any loss damage or inconvenience shall be occasioned to the Company in the carrying on of their business by reason thereof the Corporation shall pay to the Company full compensation for and indemnify them against any such obstruction or interruption or any such loss damage or inconvenience.

(6) The foot-bridge and approaches when constructed shall be the property of the Company and shall be maintained lighted and worked exclusively by them but the cost of such maintenance working and lighting shall be borne by the Corporation and shall be repaid and reimbursed by them to the Company by quarterly payments on demand by the Company. Provided that if at any time the said foot-bridge shall be abandoned the materials thereof shall belong to the Corporation who may remove the same.

(7) All expenses and other moneys payable by the Corporation to the Company under this section may be recovered with full costs in any court of competent jurisdiction.

(8) If any difference or dispute shall arise between the Corporation and the Company under or in respect of any of the foregoing provisions of this section the same shall be determined by an arbitrator to be agreed upon between the Corporation and the Company or failing agreement to be appointed by the Board of Trade on the application of either party and the costs of such arbitration shall be in the discretion of the arbitrator.

(9) The foot-bridge shall be closed at all times so as to allow the free passage thereover of foot passengers save and except when it may be necessary from time to time to open the foot-bridge to allow of the passage of ships or vessels and except when the same shall be kept open for purposes of necessary repairs but subject to the provisions of this enactment the foot-bridge shall be entirely under the management and control of the Company.

Period for completion of foot-bridge.

17. If the foot-bridge by this Act authorised and shown on the deposited plans and sections is not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease to be exercised.

Works on tidal lands.

18. The Corporation shall not under the powers by this Part of this Act conferred upon them construct on the shore of the River Thames or of any creek or navigable river communicating

therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid. And where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

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19. In exercising the powers of this Act for the construction of the foot-bridge over the entrance to the tidal basin of the Victoria Dock the Corporation shall as regards any works affecting or interfering with the lands or works of the Midland Railway Company be subject to the reasonable control and supervision of the principal engineer for the time being of that Company.

For protection of the Midland Railway Company.

20. Any work of the Corporation upon or in any way affecting the Bow Creek or any part of the foreshore of the same within the limits of the jurisdiction of the Lee Conservancy Board as defined by section 3 of the Lee Conservancy Act 1868 and all future repairs of such works that may from time to time be required shall be done and performed according to plans and specifications to be previously submitted to and approved by the Lee Conservancy Board and shall be commenced and carried on and completed under the superintendence and to the reasonable satisfaction of their engineer for the time being and his reasonable charges and expenses in connection therewith shall be paid by the Corporation.

Works affecting Bow Creek and foreshore.

21. The Corporation in addition to the other lands which they are by this Act empowered to enter upon take and use may for the purpose of their sewage works enter upon take and use the lands in the parish of West Ham and county of Essex adjoining the sewage works of the Corporation at Bow Creek and on the north and west sides thereof and shown on the deposited plans and described in the deposited books of reference and such lands shall not be deemed to be part of a house building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

Power to purchase lands for sewage purposes.

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Period for compulsory purchase of lands.

22. The powers conferred upon the Corporation by this Act for the compulsory purchase of land shall not be exercised as regards lands required for the street improvements after the expiration of three years and as regards other lands after the expiration of two years from the date of the passing of this Act.

Errors and omissions in plans &c. to be corrected.

23. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation may after ten days' notice to the owners lessees and occupiers of the lands affected apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Essex and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Owners may be required to sell parts only of certain houses &c.

24. And whereas in the construction of the improvements and works by this Act authorised the portions shown on the deposited plans of certain houses buildings manufactories and premises may be sufficient for the purposes of the same and it may happen that such portions can be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the houses buildings manufactories and premises described in the First Schedule to this Act annexed and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the properties so required and shown on the deposited plans without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

25. (1) The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until—

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Restrictions
on displacing
persons of
labouring
class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require any dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit:

(4) Any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme under this section or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice:

(5) If the Corporation purchase acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of

A.D. 1888. five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty:

(6) For the purposes of any scheme to be made under this section the Corporation may appropriate any lands and buildings for the time being belonging to them or which they may acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys which they may be authorised to raise or apply for any of the purposes of this Act Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Commissioners of Her Majesty's Treasury for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 or any other general Act:

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit:

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector:

(9) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working

for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them : A.D. 1888.

(10) Provided that if the Local Government Board on inquiry find that the provision by the Corporation of dwellings is having regard to the number of empty houses in the neighbourhood the state of trade and other circumstances unnecessary they may dispense with all or any of the requirements of this section.

26. The Corporation may for any of the purposes of this Act (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole two acres and any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Corporation but nothing in this Act shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands acquired under the powers of this section. Power to acquire additional lands by agreement.

27. The consideration for any acquisition of land by agreement under the powers of this Act may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange. Consideration for such acquisition.

28. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

29. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time (not exceeding ten years) as they may think fit and may from time to time sell lease (on building or other leases) exchange or otherwise dispose of in such manner for such consideration and on Power to retain, sell, &c., lands.

A.D. 1888. such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

Proceeds of sale of surplus lands.

30. So long as any properties remain to be acquired or works to be constructed by the Corporation for the purposes of or in connection with any street improvement authorised by this Act the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired or in the construction of such works But as to moneys so received and not so required the Corporation shall apply the same to extinguishing or making provision for the extinguishment of any loan raised by them under the powers of this Act in any one of the modes of extinguishment by this Act provided.

PART III.

TRANSFER OF JURISDICTION OF COMMISSIONERS OF SEWERS.

Transfer to Corporation of jurisdiction of Commissioners of Sewers.

31. The Act of 1854 is hereby repealed and on and as from the first day of January one thousand eight hundred and ninety (which date is in this Part of this Act referred to as "the date of transfer") the Commissioners of Sewers shall notwithstanding anything contained in any charter commission letters patent or Act of Parliament cease to have or exercise any jurisdiction within the borough and subject to the provisions of this Part of this Act the Corporation and any officers appointed by them shall as from that date have and may exercise within the borough all the rights powers authorities and privileges of or exercisable or enjoyed by the Commissioners of Sewers or any one or more of them or any court of sewers or other meeting of the Commissioners of Sewers or any official appointed by them whether under charter commission letters patent Act of Parliament decree ordinance or otherwise howsoever:

Provided that notwithstanding anything contained in any Act of Parliament or in any commission charter or letters patent granted or issued to the Commissioners of Sewers or any of them the transfer to the Corporation of rights powers authorities and

privileges by this section made shall not constitute the Corporation or any person justices or a justice and shall not authorise the Corporation or any person or persons to distrain or punish any person or to distrain for arrearages of any collection tax or assess or otherwise to punish any debtor or detainer by fines americiaments pains or other like means or to arrest or take any cart horse ox beast or other instrument or any workmen or labourer or to take any tree wood underwood or timber or other thing or to compel any person negligent gainsaying or rebelling by distress fines or americiaments or other punishments ways or means But the Corporation may recover in a summary manner any money assessed or charged by them under any of the powers transferred to them by this Act in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction and provided that as from the date of transfer the enactments described in the Third Schedule to this Act annexed shall not apply or have any cause or effect within the borough and the Corporation shall not nor shall any officer or officers appointed by them exercise within the borough any of the rights powers authorities or privileges under any of the enactments described in the said Third Schedule of or exercisable or enjoyed by the Commissioners of Sewers or any one or more of them or any court of sewers or other meeting of the Commissioners of Sewers or any official appointed by them.

A.D. 1888.

32. All duties imposed upon the Commissioners of Sewers with respect to and all rights powers and property of the Commissioners in and over any river stream watercourse or any sewer ditch bank river wall bridge hatch dam flood-gate locks or other work situate within the borough shall as from the date of transfer but subject to the provisions of this Part of this Act devolve upon and be discharged by and vested in the Corporation.

Transfer of duties, &c. of Commissioners of Sewers.

33. From and after the date of transfer and subject to the provisions of this Part of this Act the Corporation shall punctually and duly perform and discharge within the borough all duties and obligations which but for the passing of this Act the Commissioners of Sewers or any of them would have been liable to perform and discharge whether the performance and discharge of such duties and obligations shall be necessary for the benefit or protection of the borough or of any other part or parts which immediately before the passing of this Act was or were within the limits of the jurisdiction of the Commissioners of Sewers or any of them under any commission charter or letters patent and the Commissioners of Sewers and the local authority of every part within and every person within the limits of the jurisdiction aforesaid

For the protection of all parts of the level of the Commissioners of Sewers without the borough.

[Ch. clxxix.] *West Ham Corporation (Improvements) Act, 1888.* [51 & 52 VICT.]

A.D. 1888. shall respectively have as against the Corporation all such and the like remedies as but for the passing of this Act any such local authority or person might have had against Commissioners of Sewers for or in respect of any default by the Commissioners of Sewers in the performance or discharge of any duty or obligation which the Commissioners of Sewers or any of them would have been liable to perform or discharge and which after the passing of this Act the Corporation shall be liable to perform or discharge.

As to sewers for agricultural purposes.

34. The Corporation shall not under any powers conferred upon them by this Part of this Act cover in the portion of any sewer or channel within the borough which at the date of the passing of this Act was and for the time being shall be used for agricultural purposes without the previous consent of the Agricultural Department of Her Majesty's most Honourable Privy Council.

Corporation to pay costs of diverting certain sewers.

35. Whereas it is expedient that the sewers or channels which are herein-after referred to and were at the passing of this Act in part within the borough should be so diverted as to be wholly without the borough and within the jurisdiction of the Commissioners of Sewers but that the cost of such diversion should be borne by the Corporation Therefore the Corporation shall on demand pay to the said Commissioners all costs reasonably and properly incurred by them in diverting the sewers or channels shown on the plans signed in duplicate by George Woodyatt Hastings the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited in the Parliament Office and Private Bill Office of the House of Commons in the manner shown on those plans respectively or in such other manner as may be agreed upon between the Corporation and the said Commissioners.

As to banks, &c. of Dock Company.

36. Any order of the Corporation requiring the London and St. Katherine Docks Company to raise the height of any bank or defence of such Dock Company above the standard level of the Commissioners of Sewers as existing at the date of transfer shall be made in pursuance of the provisions of section 33 of the Land Drainage Act 1861 without the presentment of a jury but nothing in this section shall limit the powers of the Corporation of requiring and enforcing the amendment or reparation of any such bank or defence the height or level of which shall once have been prescribed by order or otherwise.

Decree, &c. valid if under common seal.

37. All decrees ordinances orders warrants precepts or certificates to be made issued or granted by the Corporation under the

powers by this Part of this Act transferred to and exercisable by them shall be deemed to be duly executed by the affixing thereto of the common seal of the Corporation and shall when so executed be valid and effectual any statute law usage or custom to the contrary notwithstanding and any business or act directed to be and which may be transacted or done at a court of sewers or any other meeting of the Commissioners of Sewers or otherwise by the Commissioners or any of them may subject to the provisions of this Part of this Act be transacted and done at any meeting of the Council summoned and held in accordance with and subject to the provisions of the Municipal Corporations Act 1882. A.D. 1888.

38. The town clerk deputy town clerk treasurer borough engineer or any collector of the Corporation acting as the municipal or urban sanitary authority for the borough may be appointed to the office of clerk of the sewers treasurer surveyor collector receiver reeve or to any other office under the Corporation acting in execution of the powers by this Part of this Act transferred to and exercisable by them but nothing in this section shall prevent the Corporation if they see fit from appointing any other competent person to any such office or offices The Corporation may from time to time pay to any person appointed by them to any office under the provisions of this enactment such salary as they think fit and may unless otherwise agreed on the appointment of such officer from time to time increase or reduce the salary. As to officers.

39. With reference to the inspection and production of decrees ordinances awards and orders of and of books papers registers and other documents relating to the affairs of the Commissioners of Sewers (which decrees ordinances awards orders books papers registers and documents are in this section referred to as and included in the expression "documents") the following provisions shall have effect (that is to say):— As to inspection, &c. of decrees, ordinances &c.

(1) The Commissioners of Sewers shall within six months of the receipt of notice in writing under the hand of the town clerk furnish to the town clerk a complete list certified under the hands of two of such Commissioners of all and every document relating to or affecting the borough or any works or property therein.

(2) The Commissioners of Sewers shall at any time and from time to time within two clear days of the receipt of notice in writing under the hand of the town clerk produce at the office of the said Commissioners for the inspection of any officer or officers of the Corporation duly authorised by the town clerk in that behalf or any documents or document

A.D. 1888.

relating to or affecting the borough or any works or property therein and shall permit such officer or officers to take copies thereof and afford all necessary facilities in that behalf.

(3) The Commissioners of Sewers shall if so required at any time by the Corporation under the hand of the town clerk certify under the hand of their clerk the correctness of the copy of any document so taken or made and such certified copy shall be admitted as evidence in any court of law or equity.

(4) The reasonable costs and expenses of the said Commissioners of or incidental to the making of such list of documents and any such inspection or certifying of documents shall be paid by the Corporation.

Compensation to officers of Commissioners.

40. (1) Any officer of the Commissioners of Sewers who in consequence of the passing of this Act shall lose the whole or any part of the legal emoluments of his office shall be paid compensation in respect of such loss by the Corporation out of the district fund and general district rate.

(2) Provided that any such officer who shall accept or be offered employment in any office under the Corporation shall to the extent of the annual salary attached to such employment be deemed to have waived all right to compensation under this section.

(3) In case of difference between the Corporation and any such officer as aforesaid as to the amount (if any) of compensation legally payable to him such amount shall be determined by the Local Government Board who shall take into consideration all the circumstances of the case including any reasonable offer of employment made to such officer by the Corporation and the decision of the said Board shall be final.

As to expenses of Corporation in exercise of powers of Commissioners of Sewers.

41. All costs charges and expenses incurred or payable by the Corporation in the execution of the powers by this Part of this Act transferred to or conferred upon them and not otherwise charged by or the payment whereof is not otherwise provided for by the provisions of any charter commission letters patent or Act of Parliament the powers contained in which provisions are by this Part of this Act transferred to the Corporation and all salaries of officers payable by the Corporation under the provisions of this Part of this Act shall be charged upon and may be defrayed out of the district fund and general district rate. But the Corporation shall distinguish in accounts of receipts and expenditure which by the Public Health Act 1875 they are required to keep all moneys collected and received or expended by them under and in

accordance with any powers transferred to or conferred upon and exercisable by them by or under this Part of this Act. A.D. 1888.

42. The Corporation shall cause to be kept separate minutes of all their proceedings in the execution of the powers transferred to them by this Part of this Act and separate and distinct accounts of all moneys collected and received or expended by them under and in accordance with such powers and not charged upon or defrayed out of the district fund or general district rate. Separate minutes to be kept.

43. All accounts kept by the Corporation under this Part of this Act shall be subject to the same provisions as to audit examination inspection copies extracts and production of vouchers as other accounts of the Corporation acting as a municipal authority. Audit of accounts.

44. In and for the purposes of this Part of this Act the expression "the borough" shall be deemed to include any part of the West Ham level which is situate outside the borough. "Borough" to include whole of West Ham level.

PART IV.

AS TO NORTHERN OUTFALL SEWER.

45. (1) From and after the 1st day of January 1889 the upper surface of the outfall sewer (excluding the slopes thereof and any lands at the foot of such slopes except so far as may be necessary to provide the accesses hereafter mentioned) shall subject to the provisions of this Part of this Act be open during the following hours for free and uninterrupted use by the public for foot traffic that is to say between the hours of 5 o'clock in the morning and 7 o'clock in the evening from the 1st day of October to the 31st day of March and between the hours of 5 o'clock in the morning and 9 o'clock in the evening from the 1st day of April to the 30th day of September and the Metropolitan Board of Works shall subject to the provisions of this Part of this Act allow such free and uninterrupted use and the Corporation or their agents may open and close any gates affording access from any public street to the said surface of the outfall sewer and construct and maintain an approach and access thereto with all necessary gates fences and steps on either side of the existing level crossing of the main line of the Great Eastern Railway Company's railway over the said outfall sewer and may also from time to time construct and maintain all necessary fences and gates at any point at which access may be obtained to the said surface of the outfall sewer from As to user of outfall sewer.

A.D. 1888. any public street and shall before such right of user shall be exercised also construct and shall thereafter from time to time repair and maintain a proper and sufficient fence on both sides of the said upper surface of the outfall sewer and of any accesses thereto so as to prevent access therefrom to the slopes of the outfall sewer.

(2) Such right of user shall be exercisable only in accordance with and subject to such restrictions and regulations for the protection of the fabric of the Northern outfall sewer as may be agreed upon between the Metropolitan Board of Works and the Corporation prior to the 1st day of November 1888 or in case of difference be from time to time settled by arbitration in manner herein-after provided.

(3) Such restrictions and regulations shall when agreed upon or settled be published by the Corporation once in a newspaper circulating within the borough and a copy thereof shall be painted or placed by the Corporation on a board at every gate whereby access may be obtained to the outfall sewer from any public street.

(4) Every person offending against any of such restrictions or regulations shall for each offence be liable to a penalty not exceeding ten pounds.

(5) The Corporation shall at their own expense keep in proper repair for use as a footway the portion of the outfall sewer over which in accordance with this Part of this Act and the restrictions and regulations aforesaid or any bye-laws made under this section the right of user by this Part of this Act conferred shall extend and all gates and steps affording access thereto and shall also as between the Corporation and the Metropolitan Board of Works be liable for and make good any damage which may be caused to the said Northern outfall sewer by reason of the exercise of such right of user.

(6) The Corporation may from time to time make alter and rescind bye-laws for all or any of the following purposes (that is to say) :—

For the preservation of order and good conduct among the persons using the outfall sewer.

For the prevention of damage to the Northern outfall sewer or the embankments or works connected therewith.

For preventing the hawking or vending of goods or wares upon the outfall sewer.

For prohibiting processions or bands of music and public meetings or preaching or lecturing on any portion of the outfall sewer.

For the removal from the outfall sewer of any person infringing any bye-law relating thereto or any of the restrictions or regulations aforesaid. A..D. 1888.

One month before submitting any such bye-laws for confirmation the Corporation shall deposit a copy thereof at the office of the Metropolitan Board of Works.

(7) From and after the 1st day of October 1888 the Corporation shall subject to the provisions of the section of this Act whereof the marginal note is "For protection of Metropolitan Board of Works" at all times have access to the outfall sewer for the purpose of executing at their own expense any works by this section authorised thereon or otherwise carrying into effect at the like expense the provisions of this Part of this Act.

(8) If any difference shall arise between the Metropolitan Board of Works and the Corporation under the provisions of sub-section 2 of this section or as to the sufficiency of the fence to be constructed and maintained by the Corporation under sub-section 1 of this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Secretary of State for the Home Department and the decision of such arbitrator shall be final and binding and the costs of such arbitration shall be in the discretion of such arbitrator.

(9) If the Corporation at any time by resolution so determine the outfall sewer or such portion thereof as may be referred to in such resolution shall from and after the expiration of one month from the date of the publication of such resolution as herein-after provided be closed against use by the public and the provisions of this section shall with respect to the whole or such portion as aforesaid of the outfall sewer as the case may be cease to have effect and the Corporation shall after such date be freed and discharged from all liability in connexion with the outfall sewer or such portion thereof as the case may be. Provided that nothing in this section shall affect anything lawfully done or suffered or any liability penalty or punishment incurred under this section prior to such date of closing or any investigation legal proceedings or remedy in respect of such liability penalty or punishment as aforesaid and any such resolution shall within fourteen days from the passing thereof be published by the Corporation in a newspaper circulating within the borough.

(10) Anything in this Act to the contrary notwithstanding the soil and works of the outfall sewer shall remain vested in the Metropolitan Board of Works and as between the Corporation and the Metropolitan Board of Works all right to any valuable use therein shall be reserved to and remain vested in the Metropolitan

A.D. 1888. Board of Works provided that such use is not inconsistent with the provisions of this Act.

For protection of the Great Eastern Railway Company.

46. Except with the consent in writing of the Great Eastern Railway Company under their common seal the powers conferred upon the Corporation by this Part of this Act with respect to the outfall sewer shall not apply to or have effect as to so much of the outfall sewer as passes under the Colchester main line of the Great Eastern Railway or is situate within the area on either side thereof shown on a plan signed by Lewis Angell on behalf of the Corporation and by John Wilson on behalf of the Great Eastern Railway Company and thereon coloured blue.

For protection of Metropolitan Board of Works.

47. Except as expressly provided nothing in this Part of this Act shall extend or be construed to extend to alter abridge or take away any of the rights powers or privileges of the Metropolitan Board of Works in connection with the outfall sewer. And if and whenever in the opinion of such Board it shall be necessary or expedient for the purpose of the repair or alteration of the outfall sewer to stop up the aforesaid footway or any portion thereof such Board may after giving (except in the case of emergency) at least seven days previous notice in writing to the Corporation of their intention so to do stop up and close such portion of the footway and of the approaches thereto as it may be necessary to stop up or close for the purpose of effecting such repairs or alterations but no portion of footway shall be stopped up or closed by the said Board for a longer period than shall be necessary for the purpose of effecting such repairs or alterations.

PART V.

COLLECTORS OF POOR RATES.

Removal, &c. of poor law collectors.

48. Notwithstanding anything in any Act or any rule order or regulation of the Poor Law Commissioners the Poor Law Board or the Local Government Board or the terms of appointment of any person being at the date of the passing of this Act or hereafter a collector of poor rates within the parish of West Ham the guardians of the poor of the West Ham Union may with the sanction and approval of the Local Government Board at any time remove any such person from his office as such collector. If the said guardians remove any person who at the date of the passing of this Act was a collector of the poor rates within the said parish and do not re-appoint such person to be a collector of poor rates within the

said parish at a salary equal to the average amount yearly received by him by commission in respect of such office during the ten years immediately preceding the date of the passing of this Act such collector shall be entitled (unless a lower salary has been agreed to be accepted by him) to be paid by way of compensation for his loss of office out of the poor rates such lump sum or annual allowance as on full consideration of the circumstances of the case may seem to the Local Government Board to be reasonable and just compensation for such loss of office and the Local Government Board on awarding such compensation shall be guided by the principles which would be applicable in the case of awarding compensation under the provisions of the Superannuation Act 1859 to a person retiring or removed from the public service in consequence of the abolition of his office provided that no special minute within the meaning of the said Act stating any special grounds for the granting of any such allowance shall be necessary or be made and the Local Government Board shall be the sole judges as to the right or claim of such collector to any compensation whatever and as to the amount thereof and upon any further question which might arise under this section and the decision of the Local Government Board upon any such right claim amount or question shall be absolutely final and conclusive.

A.D. 1888.

49. Any person appointed or re-appointed to the office of a collector of poor rates for the parish of West Ham after the date of the passing of this Act may notwithstanding anything contained in the order of the Poor Law Board dated the 10th day of November 1863 relating to the appointment of collectors of the poor rates in the parish of West Ham be paid by a fixed salary in lieu of poundage.

Poor law collectors may be appointed at salary.

PART VI.

WIRES &C. IN STREETS AND DANGEROUS STRUCTURES.

50. (1) The Corporation may from time to time make alter and repeal bye-laws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across under or in any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose.

Bye-laws for prevention of damage from telegraph wires &c.

(2) By such bye-laws provision may be made for the inspection and examination by the Corporation of any such posts wires tubes or other appliances or apparatus and for the prohibition of any

A.D. 1888. — such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or cause obstruction to the public and for the grant of licenses by the Corporation on such terms and conditions for prevention of danger or obstruction to the public as may be prescribed by such bye-laws.

(3) Offenders against such bye-laws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance or apparatus which shall be adjudged to be stretched or placed as aforesaid in contravention of any bye-law made by the Corporation under this section.

(4) Bye-laws made under this section and any alteration or repeal of any such bye-law shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice of the intended submission of any such bye-law or of any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such bye-law shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any bye-law and all costs incurred by any parties in reference to the application or objection to the confirmation alteration or repeal of any such bye-law shall be in the discretion of the Board of Trade.

(5) The Board of Trade may exempt from the operation of any such bye-law for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (herein-after referred to as "an existing work") And the Board of Trade may exempt from any alteration or repeal of any such bye-law for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid prior to such alteration or repeal in accordance with the bye-law proposed to be altered or repealed as originally framed.

(6) Nothing in such bye-laws shall extend to any posts wires tubes or other property of Her Majesty's Postmaster-General or to

any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply. A.D. 1888.

51. If during the said period of five years any existing work is in the opinion of the borough engineer in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice of the peace who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the borough engineer to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

As to existing telegraph wires, &c.

52. It shall not be lawful for any person to fix or place any rope line cord post wire tube or other similar apparatus (other than posts wires tubes or other apparatus for telegraphic telephonic or railway signalling purposes) above ground over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk of the borough and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

Restrictions on placing wires &c. other than telegraph wires &c. over under or across or along streets.

Provided that nothing in this section shall extend to any posts wires tubes or other property of Her Majesty's Postmaster-General or to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

53. Section seventy-five of the Towns Improvement Clauses Act 1847 shall extend and apply to any structure which is deemed by the borough engineer to be dangerous to passengers or to the occupiers of any building Provided that nothing in the said section contained shall render it incumbent upon the borough engineer to cause a hoard or fence to be put up in the case of a dangerous chimney.

Extending provisions of section seventy-five of Towns Improvement Clauses Act 1847.

54. (1) Whenever large numbers of persons are likely to assemble on the occasion of any public procession open-air meeting or other like occasions every building platform balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a

Safety of platforms, &c. erected or used on public occasions.

A.D. 1888. — number of persons shall be safely constructed or secured to the satisfaction of the borough engineer and unless the same be so constructed or secured the following provisions shall have effect and may be put in full force accordingly :

(2) Whenever any such building platform balcony or other structure or any part thereof or anything thereon or attached thereto or projecting therefrom is deemed by the borough engineer to be in a state of position whereby danger to any person is or may be occasioned the borough engineer shall give notice under his hand to the owner or occupier of such building platform balcony or other structure or to both or to either of them requiring such owner or occupier forthwith to remove repair or secure the same to the satisfaction of the borough engineer :

(3) In case the work of removing repairing or securing such building platform balcony or other structure or such part thereof or such thing thereon or attached thereto or projecting therefrom is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of the borough engineer as soon as the nature of the case admits it shall be lawful for the borough engineer to give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction :

(4) In case it appears to the court that immediate danger to any person from such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid is to be apprehended the court shall make an order authorising the borough engineer to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith removed repaired or secured :

(5) In case it appears to the court that danger to any person is to be apprehended but that such danger is not immediate the court shall make an order on such owner or occupier or on both of them requiring him or them to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be removed repaired or secured to the satisfaction of the borough engineer within a period to be prescribed in such order. In case such order is not obeyed within the period prescribed therein any and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding forty shillings for every day during which such order has not been obeyed after the end of the period prescribed therein :

(6) The court may at any time after the end of the period prescribed in such order make an order authorising the borough engineer to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses attendant on the removing repairing or securing of such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid :

A.D. 1888.

(7) If the owner or occupier of any building platform balcony or other structure which the borough engineer has deemed to be in a dangerous state or position cannot be found or does not appear after service of notice and summons as hereinbefore provided it shall be lawful for the court having cognizance of the matter to make an order authorising the borough engineer to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith removed repaired or secured and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid :

(8) Where a building platform balcony or other structure is removed by the Corporation or the borough engineer under the powers of this section the Corporation may sell the materials thereof or part of them and shall apply the proceeds of the sale or any part thereof either in or towards payment of the costs and expenses incurred by them in relation to such building platform balcony or other structure or shall pay the same or any part thereof to the owner of such building platform balcony or other structure as a court of summary jurisdiction shall determine :

(9) The foregoing provisions of this section shall so far as applicable extend and apply to any hoarding erected or to be erected in or near any street to be used for the exhibition thereon of advertisements or notices.

55. The railways and buildings belonging to any railway company and used for the purposes of such railway under the provisions of any Act of Parliament shall be exempt from the provisions of this Part of this Act relating to dangerous structures and no bye-laws made under the authority of this Part of this Act shall extend or apply to any posts wires tubes or other appliances erected by any railway company over across under or in any street where it crosses their railway.

Exemption
for railway
companies.

A.D. 1888.

PART VII.

SANITARY.

Notice to
be given of
persons
suffering
from
infectious
disease.

56. The following provisions shall apply to and be in force in the borough (that is to say) :—

- (1) If any inmate of any building used for human habitation be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of illness or other unavoidable cause then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office ;
- (2) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness or other unavoidable cause then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person ;
- (3) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the form set forth in the Second Schedule to this Act ;
- (4) Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form set forth in the Second Schedule to this Act the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering ;
- (5) The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two

shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution ;

A.D. 1888.

(6) Every person who shall wilfully offend against any of the enactments contained in this section shall for every such offence be liable to a penalty not exceeding forty shillings ;

(7) The provisions of this section shall apply mutatis mutandis in the case of the removal of any such inmate from the said building to any other building and so from time to time.

57. The Local Government Board may from time to time on the application of the Corporation by order declare that any infectious diseases other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

Infectious diseases other than those specified may be declared to be infectious diseases to which this Act applies.

(1) Any such order may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in one or more of the local newspapers circulating in the borough and after such public notice has been given the provisions of the section of this Act whereof the marginal note is "Notice to be given of persons suffering from infectious disease" shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act ;

(2) The production of the newspaper containing a copy of the order shall be conclusive evidence that public notice of the order has been so given ;

(3) The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the borough but the omission to send any such copy shall not affect the validity of such order.

58. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

A.D. 1888. — require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him or her for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Cowkeepers and others to furnish lists of customers in certain cases.

59.—(1) Whenever it shall be certified to the Corporation by the medical officer of health or by any other registered medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk-store or milk-shop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical officer of health may inspect dairies &c. beyond borough in certain cases.

(2) In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milk-store milk-shop or place situate beyond the borough or that the consumption of milk from such farmhouse dairy cowshed milk-store milk-shop or place is likely to cause infectious disease to any person residing in the borough the medical officer of health shall if authorised in that behalf by an order of a justice having jurisdiction where such farmhouse dairy cowshed milk-store milk-shop or place is situate have power to inspect such farmhouse dairy cowshed milk-store milk-shop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier

of such farmhouse dairy cowshed milk-store milk-shop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the local authority acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 of the district in which such farmhouse dairy cowshed milk-store milk-shop or place is situate in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the province of such last-mentioned authority. A.D. 1888.

Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any such farmhouse dairy cowshed milk-store milk-shop or place or after any such notice not to supply milk as aforesaid has been given supplying any milk therefrom in contravention of such notice or selling it for consumption in the borough until such notice has been withdrawn as aforesaid shall be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings :

Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction where the said farmhouse dairy cowshed milk-store milk-shop or place is situate.

(3) Nothing in or done under sub-sections (1) and (2) of this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any order license or act of Her Majesty's Privy Council or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or the Local Government Board or exempt the dairies milk-stores or milk-shops to which this Act relates or any building or thing whatsoever or any person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Saving for Acts relating to dairies animals &c.

60. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection could more effectually be carried out by the Corporation than by

Further powers in relation to disinfection of premises.

A.D. 1888.

the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section Any person who shall obstruct any duly authorised officer of the Corporation in carrying out this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

61. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who to any question by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

62. No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died from any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospitals &c. of infectious diseases to be removed only for burial.

63. If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health or any other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or

place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this enactment shall be liable to a penalty not exceeding fifty pounds. Nothing in this enactment shall prevent the removal of any dead body from any such hospital or place of temporary accommodation to any mortuary and such mortuary shall for the purposes of this section be deemed to be part of such hospital or place of temporary accommodation.

A.D. 1888.

64. Where the body of any person who has died from any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and may direct the same to be buried within a time to be limited in the order or such justice may in the case of the body of any person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this enactment shall be liable to a penalty not exceeding five pounds.

Justices may in certain cases order dead bodies to be buried.

65. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances without notice.

[Ch. clxxix.] *West Ham Corporation (Improvements) Act, 1888.* [51 & 52 VICT.]

A.D. 1888.

Penalty for offences under Public Health Act.

Temporary shelter nursing &c.

Powers of entry for purposes of secs. 120 & 121 of Public Health Act 1875.

For preventing infectious rubbish being thrown into ash-pits &c.

Power to make bye-laws for sanitary purposes.

As to ash pails.

66. Any keeper of a common lodging house in the borough who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

67. The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and the Corporation shall also provide or contract with some person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough or upon children who may have been compelled to leave their dwellings as aforesaid and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

68. For the purpose of carrying into effect the provisions of sections 120 and 121 of the Public Health Act 1875 or either of those sections the Corporation may by any officer appointed in that behalf enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

69. Any person who shall knowingly cast or cause or permit to be cast into any ash-pit ash-tub or other receptacle for the deposit of refuse matter any infectious rubbish without previous disinfection shall be liable to a penalty not exceeding forty shillings.

70. The Corporation may from time to time make and enforce bye-laws for all or any of the following purposes (that is to say):—
For prescribing the times for the removal or carriage through the streets of any foecal or offensive or noxious matter or liquid whether such matter or liquid shall be in course of removal or carriage from within or without or through the borough and that the vessel receptacle cart or carriage used therefor shall be properly constructed so as to prevent the escape of any such matter or liquid and for compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

71. The Corporation may if they think fit require the use of an ash pail or other proper receptacle for dust and ashes in any case in which they are authorised to require the use of an ash-pit (whether the property in question is already provided with an ash-pit or not) and the provisions of the Public Health Act 1875 with respect to the providing of ash-pits shall apply mutatis mutandis in the case of ash pails or other receptacles the use of which may be so required by the Corporation.

PART VIII.

A.D. 1888.

FINANCIAL.

72. The Corporation may (either in the manner and subject to the regulations prescribed by the Public Health Act 1875 with respect to the borrowing of money for permanent works or in the manner and subject to the regulations hereinafter prescribed by this Act) from time to time borrow on security of the district fund and general district rate such moneys as they may deem requisite for the purposes of this Act and may mortgage the said fund and rate for the repayment of such moneys and interest thereon provided the amount or amounts so borrowed for any one purpose shall not exceed in the aggregate the amount authorised by this Act to be borrowed for that purpose And in calculating the amount which the Corporation may borrow under the Public Health Act 1875 or any Act amending the same the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the powers of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the said Public Health Acts.

Power to borrow.

73. The sum or sums of money to be borrowed by the Corporation in pursuance of this Act shall not with respect to the following purposes exceed the following amounts (that is to say):—

- For street improvements one hundred and ninety thousand pounds.
- For defraying the extra cost of widening the Manor Road diversion ten thousand pounds.
- For the footbridge and footpaths ten thousand pounds.
- For land for sewage purposes four thousand pounds.
- For payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act such sum as may be ascertained in manner hereinafter provided.
- For the purpose of carrying into effect the provisions of Part IV. of this Act such sum as the Local Government Board may sanction.

Amounts that may be borrowed.

Provided always that in case further moneys may be required for any of the aforesaid purposes or other the purposes of this Act the Local Government Board may from time to time at the request of the Corporation authorise them to borrow such further sums for all

[Ch. clxxix.] *West Ham Corporation (Improvements) Act, 1888.* [51 & 52 VICT.]

A.D. 1888. — or any of the purposes of this Act as the Local Government Board may from time to time think fit and the provisions of this Act shall apply mutatis mutandis to the further sums so borrowed.

As to mortgages granted by the Corporation.

74. Every mortgage made by the Corporation under the authority of this Act shall be by deed under their common seal duly stamped and truly stating the consideration.

The provisions of sections 236 237 233 and 239 of the Public Health Act 1875 with respect to mortgages (except where the same are in this Act expressly altered or varied) shall apply with respect to mortgages by the Corporation under this Act Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the fund or rate comprised in their mortgages respectively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sums so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

Protection of lenders from inquiry.

75. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

As to repayment of borrowed money.

76. All moneys borrowed or reborrowed by the Corporation under the authority of this Act without the sanction of the Local Government Board may be borrowed and reborrowed for any terms not exceeding the terms hereinafter respectively mentioned from the date of the original loan :—

As regards moneys borrowed or reborrowed for the purposes of the street improvements by this Act authorised forty years ;

As regards money borrowed or reborrowed for the purposes of defraying the extra cost of widening the Manor Road diversion forty years ;

As regards moneys borrowed or reborrowed for the purposes of the footbridge and footpaths by this Act authorised twenty years ;

As regards moneys borrowed or reborrowed for sewage purposes thirty years ;

As regards moneys borrowed or reborrowed for the purpose of paying the costs of this Act ten years :

And all moneys borrowed by the Corporation under the authority of this Act with the consent of the Local Government Board may

[51 & 52 VICT.] *West Ham Corporation (Improvements) Act, 1888.* [Ch. clxxix.]

be borrowed for such term not exceeding sixty years as the Local Government Board may prescribe and subject as aforesaid all such moneys shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum. A.D. 1888.

77. The Corporation in case they borrow any moneys on mortgage not repayable by yearly or half-yearly instalments shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys borrowed on mortgage under this Act out of the district fund or the general district rate such equal annual or half-yearly sum or sums as will with accumulations by way of compound interest after a rate not exceeding three and a half per cent. be sufficient to pay within such a period as they may think fit (not exceeding the period by this Act in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed. Sinking fund for payment of money borrowed on mortgage.

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporations in Great Britain or of any other local authority within section thirty-four of the Local Loans Act 1875 other than and excepting the Corporation.

The Corporation may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per cent. on which the payments to the sinking fund are based Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing

[Ch. clxxix.] *West Ham Corporation (Improvements) Act, 1888.* [51 & 52 VICT.]

A.D. 1888. the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Annual
return to
Local
Government
Board with
respect to
sinking fund
in respect of
moneys
borrowed
on mortgage.

78. The town clerk shall within forty-two days after the first day of January of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall *mutatis mutandis* apply to appropriations and annual repayments in the event of the Corporation borrowing under the provisions of the Local Loans Act 1875.

Power to
reborrow.

79. If the Corporation pay off any part of any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property acquired by them under the powers of this Act or out of fines and premiums on leases they may from time to time reborrow the same but all moneys so reborrowed shall be deemed to

[51 & 52 VICT.] *West Ham Corporation (Improvements) Act, 1888.* [Ch. clxxix.]

be part of the original loan and be paid off within the period prescribed in the case of the original loan and the obligations of the Corporation with respect to repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

A.D. 1888.

80. The Corporation if they think fit in lieu of borrowing on the security of mortgages as hereinbefore provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Power to borrow under Local Loans Act 1875.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the district fund and general district rate and such fund and rate shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act And if the Corporation at any time think fit to form any sinking fund for the repayment of such loan all sums paid into the same shall as soon as may be unless the same be appropriated and used in the repayment of debt be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys or as by this Act authorised.

81. All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Application of money borrowed.

82. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any such money.

Corporation not to regard trusts.

A.D. 1888.

PART IX.

MISCELLANEOUS.

As to
common
lodging
houses.

83. Notwithstanding anything in the Public Health Act 1875 the provisions of the Common Lodging Houses Act 1851 as amended by the Common Lodging Houses Act 1853 shall extend and apply to and within the borough and shall be executed by the Commissioner of Police of the Metropolis or such one of the Assistant Commissioners as may from time to time be nominated by one of Her Majesty's Principal Secretaries of State to execute the Common Lodging Houses Acts 1851 and 1853.

Parish to be
deemed to be
within Metro-
polis for purposes
of section 3 of
32 & 33 Vict.
c. 41.

84. Section 3 of the Poor Rate Assessment and Collection Act 1869 shall be in force within the parish of West Ham as if such parish were situate in the Metropolis.

Costs of
Local
Government
Board to be
paid by
Corporation.

85. All costs incurred by the Local Government Board including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

General
provisions
as to bye-
laws.

86. All bye-laws from time to time made by the Corporation under the powers of this Act shall (except where otherwise expressly provided by this Act) be made under and according to the provisions contained in sections 182 to 185 (both inclusive) of the Public Health Act 1875 so far as they relate to bye-laws made by an urban sanitary authority and such provisions shall be deemed to be incorporated with this Act. Provided that all bye-laws may be partly in print and partly in writing (including lithograph).

Offences
against bye-
laws to be
prosecuted
as if offences
against the
Public
Health Act,
1875.

87. Except as otherwise by this Act expressly provided all offences against the provisions of this Act or any bye-law made under the authority thereof may be prosecuted and all penalties or forfeitures which may be imposed for the breach of any such provisions or bye-laws and the cost and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such provision or bye-law may respectively be recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

Saving rights
of the Crown in
the foreshore.

88. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of

the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors. A.D. 1888.

89. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty Her heirs or successors. Saving rights of Crown under Crown Lands Act.

90. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates or rights of the Lee Conservancy Board or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the said Conservancy Board did or might lawfully claim use or exercise or to interfere with or prejudice the provisions of the Lee Conservancy Act 1868 under the head or division "Protection of water" or section 108 of that Act as to West Ham drainage. Saving rights of the Lee Conservancy Board.

91. All powers given by this Act shall unless otherwise expressly stated be deemed to be in addition to and not in derogation of any other powers conferred upon the Corporation by Act of Parliament charter law or custom and nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not passed Provided that no person shall be adjudged to pay more than one penalty for the same offence. Powers of Act cumulative.

92. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs Expenses of Act.

[Ch. clxxix.] *West Ham Corporation (Improvements) Act, 1888.* [51 & 52 VICT.]

A.D. 1888. incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty (chapter ninety-one) with respect to the Bill for this Act and all matters relating thereto.

[51 & 52 VICT.] *West Ham Corporation (Improvements) Act, 1888.* [Ch. clxxix.]

The SCHEDULES referred to in the foregoing Act.

A.D. 1888.

THE FIRST SCHEDULE.

DESCRIBING HOUSES BUILDINGS MANUFACTORIES AND PREMISES
OF WHICH PORTIONS ONLY MAY BE TAKEN.

Work.	Number on Deposited Plans.
Widening of Balaam Street Plaistow -	27, 51 and 51A.

THE SECOND SCHEDULE.

BOROUGH OF WEST HAM.

CERTIFICATE OF DISEASE, &C.

West Ham Corporation (Improvements) Act, 1888.

To the Corporation of the borough of West Ham.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such Act.

Dated the _____ day of _____ 18 .

(Signed)

Name of person suffering from the disease

Situation of the building wherein such person is

Name of occupier or other person having the charge management or control of the building or room

Nature of disease

NOTE.—This certificate must (under penalty of forty shillings in case of neglect) be forthwith sent to the medical officer of health of the Corporation at his office in the Town Hall West Ham.

A.D. 1888.

THE THIRD SCHEDULE.

This schedule is to be read as referring to the revised edition of the statutes prepared under the direction of the Statute Law Committee. A description or citation of a portion of an Act is inclusive of the words section or other part first or last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

23 Hen. VIII. c. 5.—A Gen'rall Act conc'nyng Comissions of Sewers to be directed in all parts within this Realme:

Part namely—Section one from “That Comission of Sewers” to “Lord Chauncellour to be one.”

Section two.

Sections seven and eight.

Sections ten and eleven.

Section fourteen.

3 and 4 Edw. VI. c. 8.—An Acte for the contynuance of the Statute of Sewers.

13 Eliz. c. 9.—An Acte for the Commission of Sewers.

Part namely—Sections two and three.

7 Anne c. 33.—An Act for rend'ring more effectual the laws concerning the Commissions of Sewers.

Part namely—Section three.

3 and 4 Will. IV.—An Act to amend the Laws relating to Sewers.

Part namely—Section one from “that no person” to the end of that section.

Sections two to six.

Sections forty-one to forty-three.

Sections fifty-two to fifty-four.

4 and 5 Vict. c. 45.—An Act to amend an Act passed in the third and fourth years of the reign of His late Majesty King William the Fourth intituled “An Act to amend the Laws relating to Sewers.”

Part namely—Sections four to six.

12 and 13 Vict. c. 50.—An Act for further amending the Laws relating to Sewers.

Part namely—Section six.

Sections eight and nine.

24 and 25 Vict. c. 133.—An Act to amend the Law relating to the Drainage of Land for Agricultural Purposes.

Part namely—Sections forty and forty-one.

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